

REFERENCE TITLE: AHCCCS; long-term care; eligibility

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1014

Introduced by
Senator Harper

AN ACT

AMENDING SECTION 36-2934, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA LONG-TERM CARE SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-2934, Arizona Revised Statutes, is amended to
3 read:

4 36-2934. Eligibility criteria: qualifications for coverage:
5 liquidation of assets

6 A person meets the eligibility criteria of this article and the
7 section 1115 waiver if the person ~~satisfies one of the following:~~ HAS INCOME
8 AT OR BELOW FIFTY PER CENT OF THE FEDERAL POVERTY GUIDELINES. THE
9 ADMINISTRATION SHALL NOT ADVISE AN APPLICANT ON WAYS TO SPEND DOWN ASSETS TO
10 MEET THE ELIGIBILITY REQUIREMENTS OF THIS SECTION.

11 ~~1. Is eligible pursuant to section 36-2901, paragraph 6, subdivision~~
12 ~~(a), item (i) or (ii) on the date of application for medical assistance under~~
13 ~~this article and meets the resource requirements prescribed by federal law.~~

14 ~~2. Would be eligible for supplemental security income for the aged,~~
15 ~~blind or disabled or aid to families with dependent children but is not~~
16 ~~receiving cash payment.~~

17 ~~3. Would be eligible for supplemental security income for the aged,~~
18 ~~blind or disabled or under section 1931(b) of the social security act except~~
19 ~~for the person's institutional status.~~

20 ~~4. Is in a medical institution for a period of not less than thirty~~
21 ~~consecutive days and except for the person's income the person would be~~
22 ~~eligible for supplemental security income for the aged, blind or disabled or~~
23 ~~aid to families with dependent children and the person's gross income before~~
24 ~~deductions does not exceed three hundred per cent of the supplemental~~
25 ~~security income benefit rate established by section 1611(b)(1) of the social~~
26 ~~security act.~~

27 ~~5. Would be eligible for medical assistance under the state plan if~~
28 ~~the person was institutionalized and a determination has been made that~~
29 ~~except for the provision of home and community based services the person~~
30 ~~would require the level of care provided in a hospital, skilled nursing~~
31 ~~facility or intermediate care facility.~~

32 B. In addition to meeting the requirements of subsection A of this
33 section, a person may not have, within the time specified in federal law
34 before filing an application for eligibility pursuant to section 36-2933,
35 transferred or assigned for less than fair consideration assets as defined by
36 federal law for the purpose of meeting the eligibility criteria pursuant to
37 this section. If a transfer or assignment occurred, the administration may
38 deny eligibility for a period in accordance with federal law. Transfers that
39 are permitted under federal law shall not serve to disqualify a person from
40 eligibility for services pursuant to this article. This subsection also
41 applies to persons who are eligible pursuant to section 36-2901, paragraph
42 6, subdivision (a) and who receive medical assistance under article 1 of this
43 chapter.

44 ~~C. In addition to meeting the requirements of subsection A, paragraph~~
45 ~~3 of this section, the director may require that a person's net income shall~~

1 ~~not exceed a state income standard established by the director, which is less~~
2 ~~than three hundred per cent of the supplemental security income benefit rate~~
3 ~~established by section 1611 of the social security act.~~

4 ~~D.~~ C. Notwithstanding any other provision of this section, a person
5 shall not receive services under this article who is not eligible pursuant to
6 title XIX of the social security act or the section 1115 waiver.

7 ~~E.~~ D. The administration shall periodically review the eligibility
8 pursuant to this section of each member in accordance with federal law.

9 ~~F.~~ E. The administration shall determine a person's eligibility
10 pursuant to this section within the time periods required or allowed by
11 federal law.

12 ~~G.~~ F. An applicant shall provide the administration with a statement
13 in accordance with federal law containing at least the following information:

14 1. The amount of personal and real property in which the applicant has
15 an interest.

16 2. All income that the applicant received during the period
17 immediately before application.

18 3. Any assets as defined by federal law assigned or transferred by the
19 applicant within the time prescribed by federal law immediately before filing
20 the application for eligibility pursuant to section 36-2933.

21 4. Any further information the director by rule requires to determine
22 eligibility.

23 ~~H.~~ G. A designated representative, as defined pursuant to rules
24 adopted by the director, or a public employee who prepares and signs, or
25 assists in preparing, an application for benefits under this article on
26 behalf of an applicant is not civilly liable for good faith acts and
27 omissions.